

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

19-CV-09645 (CM)

Plaintiff,

v.

BRYAN COHEN and GEORGE NIKAS,

Defendants.

USE C SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/30/19

**STIPULATION REGARDING EXTENSION OF RELIEF PROVIDED IN THE
COURT'S OCTOBER 18, 2019 ORDER AND ADJOURNMENT OF HEARING**

WHEREAS on October 18, 2019, the Court entered an Order to Show Cause, Temporary Restraining Order Freezing Assets and Granting Other Relief (Dkt. No. 3) (the "Order");

WHEREAS the Order set a deadline of October 28, 2019 at 5:00 p.m. for defendant George Nikas ("Nikas") to submit any opposing papers in response to the Order and set a hearing date of November 1, 2019 at 10:00 a.m., in Courtroom 24A of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007;

WHEREAS the parties wish to preserve the status quo and adjourn this hearing to allow them to engage in discussions regarding the Commission's application for relief, including the scope of the proposed asset freeze, and, in the absence of an agreement regarding the same, for defendant Nikas to serve and file opposition papers if appropriate;

WHEREAS David S. Smith, Esq., represents defendant Nikas, at present, for the limited purpose of entering into the instant stipulation and is authorized to consent to the relief requested herein;

WHEREAS this is the parties' first request to extend the relief in the Order and adjourn the hearing;

IT IS HEREBY STIPULATED AND AGREED by plaintiff Securities and Exchange Commission (the "Commission"), through undersigned counsel, and defendant Nikas, through his undersigned counsel, that all of the relief granted in the Order, including but not limited to the freeze of Nikas's brokerage account held at Charles Schwab & Co., shall remain in full force and effect until November 22, 2019 at 11:59 p.m. or until such other time thereafter that the Court can hear and rule upon the Commission's application for relief.

IT IS FURTHER AGREED that the date and time for defendant Nikas to appear and show cause, if there be any, why the Court should not enter a preliminary injunction extending the asset freeze and other relief set forth in the Order until a final adjudication on the merits shall be adjourned until November 22, 2019 at 10:00 a.m. or such other date and time set by the Court.

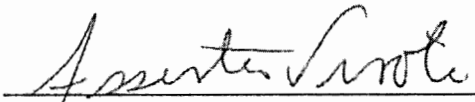
IT IS FURTHER AGREED that the deadline for defendant Nikas to deliver any opposing papers pursuant to Section III of the Order is extended until November 14, 2019 at 5 p.m.

IT IS FURTHER AGREED that the deadline for the Commission to file any reply papers pursuant to Section III of the Order is extended until November 20, 2019 at 5 p.m.

IT IS FURTHER AGREED that by entering into this stipulation, defendant Nikas does not waive, and specifically preserves, any and all objections, affirmative defenses, and defenses, including but not limited to those that arise under Rule 12(b) of the Federal Rules of Civil Procedure.


IT IS FURTHER AGREED that this Stipulation may be signed in counterparts by facsimile or electronic signature, and that such facsimile or electronic signature shall be deemed an original signature for purposes of this Stipulation.

Dated: Philadelphia, PA
October 28, 2019



Assunta Vivolo
U.S. Securities and Exchange Commission
Philadelphia Regional Office
1617 JFK Boulevard, Suite 520
Philadelphia, PA 19103
(215) 597-3100
VivoloA@sec.gov
*Counsel for plaintiff
Securities and Exchange Commission*

Dated: _____



David Smith
Smith & King, LLC
900 Third Avenue, 13th Floor
New York, 10022
(212)-681-2800
Counsel for defendant George Nikas

IT IS SO ORDERED

Dated: 10/29/2019



HON. COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

IT IS FURTHER AGREED that this Stipulation may be signed in counterparts by facsimile or electronic signature, and that such facsimile or electronic signature shall be deemed an original signature for purposes of this Stipulation.

Dated: Philadelphia, PA
October 28, 2019

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U.S. Securities and Exchange Commission
Philadelphia Regional Office
1617 JFK Boulevard, Suite 520
Philadelphia, PA 19103
(215) 597-3100
VivoloA@sec.gov
Counsel for plaintiff
Securities and Exchange Commission

10/28/19
Dated: _____

David Smith

David Smith
Smith & King, LLC
900 Third Avenue, 13th Floor
New York, 10022
(212)-681-2800
Counsel for defendant George Nikas

IT IS SO ORDERED

Dated: _____

HON. COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE